



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2023-2363 Airspace Docket No. 22-AAL-33]

RIN 2120-AA66

Revocation of Colored Federal Airway Amber 15 and amendment of Alaskan Very High Frequency Omnidirectional Range Federal Airway V-428 in Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke Colored Federal airway Amber 15 (A-15) within United States (U.S.) airspace due to the pending decommissioning of the Nabesna, Sumner Strait, Haines, and Nichols Nondirectional Radio Beacons (NDB) in Alaska. Additionally, this action proposes to amend Alaskan Very High Frequency Omnidirectional Range (VOR) Federal Airway V-428 due to the pending decommissioning of the Haines NDB.

DATES: Comments must be received on or before [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.]

ADDRESSES: Send comments identified by FAA Docket No. FAA-2023-2363 and Airspace Docket No. 22-AAL-33 using any of the following methods:

* Federal eRulemaking Portal: Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* Mail: Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

* Hand Delivery or Courier: Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* Fax: Fax comments to Docket Operations at (202) 493-2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System (NAS).

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most

helpful comments reference a specific segment of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 USC 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the Internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Incorporation by Reference

Colored Federal airways are published in paragraph 6009 and Alaskan VOR Federal airways are published in paragraph 6010 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

FAA Order JO 7400.11H lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

In 2003, Congress enacted the Vision 100-Century of Aviation Reauthorization Act (Pub L., 108-176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of an ongoing, large, and comprehensive T-route modernization project in the state of Alaska. The project mission statement states: "To modernize Alaska's Air Traffic Service route structure using satellite-based navigation development of new T-routes and optimization of existing T-routes will enhance safety, increase efficiency and access, and will provide en route continuity that is not subject to the restrictions associated with ground-based airway navigation." As part of this project, the FAA evaluated the existing Colored Airway structure for: (a) direct replacement (i.e., overlay) with a T-route that offers a similar or lower Minimum En route Altitude (MEA) or Global Navigation Satellite System (GNSS) MEA; (b) the replacement of the colored airway with a T-route in an optimized but similar geographic area, while retaining similar or lower MEA; or (c) removal with no route structure (T-route) restored in that area because the value was determined to be insignificant.

The aviation industry/users have indicated a desire for the FAA to transition the Alaskan en route navigation structure away from dependency on NDBs and move to develop and improve the United States Area Navigation (RNAV) route structure.

Colored Federal airway A-15 extends between the Ethelda, British Columbia (BC), Canada, NDB and the Delta Junction, AK, NDB, excluding the airspace within Canada.

The decommissioning of the Nichols, Sumner Strait, and Haines NDBs in Alaska would render the segment of A-15 within U.S. airspace between the United States/Canadian border south of the Nichols NDB and the United States/Canadian border north of Haines NDB unusable. Mitigations to the loss of this segment are a combination of conventional airways and RNAV routes. Alternatives to the segment of A-15 between the United States/Canadian border and the Nichols NDB are nearby V-317 and V-309. Alternative routing between the Nichols NDB and the United States/Canadian border north of the Haines NDB, are V-317, T-266, and T-481. T-266 was developed for routing from the Nichols NDB to the Haines NDB and T-481 was developed for routing from Haines to the United States/Canadian border. T-266 and T-481 were developed to provide alternate routing in this area that avoids mountainous terrain and its associated weather by following the water channels along the Lynn Canal and Stephens Passage. This routing adds some mileage to the route but avoids the higher minimum enroute altitudes (MEA) and the dangers associated with overflying the mountain terrain.

The decommissioning of the Nabesna, AK, NDB, would render the northern segment of A-15 within U.S. airspace between the United States/Canadian border and the Delta Junction NDB unusable. The loss of this segment is mitigated by the existence of V-444, T-232, and T-372.

Alaskan VOR Federal Airway V-428 extends between the Biorka Island, AK, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and Whitehorse, Yukon Territory (YT), Canada, VOR/distance measuring equipment (VOR/DME), excluding the airspace within Canada. With the decommissioning of the Haines NDB, a segment of V-428

would become unusable. The FAA is proposing to revoke the segment of V-428 between the Sisters Island, AK, VORTAC and Whitehorse, YT, Canada, VOR/DME within United States airspace. The loss of this airway is mitigated by an existing RNAV route, T-481, between the Sisters Island VORTAC and the Haines NDB, and T-266 between the Haines NDB and the United States/Canadian border.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to revoke Colored Federal airway A-15 in its entirety and amend Alaskan VOR Federal Airway V-428 due to the pending decommissioning of supporting Navigational Aids (NAVAID).

Colored Federal airway A-15 extends between the Ethelda, BC, Canada, NDB and the Delta Junction, AK, NDB, excluding the airspace within Canada. The FAA proposes to revoke Colored Federal airway A-15 in its entirety.

Alaskan VOR Federal Airway V-428 extends between the Biorka Island, AK, VORTAC and the Whitehorse, YT, Canada, VOR/DME, excluding the airspace within Canada. The FAA is proposing to revoke the segment of V-428 within U.S. airspace between the Sisters Island, AK, VORTAC and Whitehorse, YT, Canada, VOR/DME. As amended, V-428 would extend between the Biorka Island VORTAC and the Sisters Island VORTAC.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this

proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71--DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6009(c) Amber Federal Airways.

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A-15 [Removed]

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Paragraph 6010(b) Alaskan VOR Federal Airways.

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V-428 [Amended]

From Biorka Island, AK; to Sisters Island, AK.

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Issued in Washington, DC, on December 15, 2023.

Brian Konie,
Acting Manager, Rules and Regulations Group.
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